

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

VICTOR JAMES KAECH,

Plaintiff,

v.

OCWEN LOAN SERVICING, LLC;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE
UNDER MORTGAGE POOLING
AND SERVICING AGREEMENT
DATED AS OF AUGUST 1, 2007
MASTR ASSET-BACKED
SECURTIES TRUST 2007 HE-2
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-HE2;
FIDELITY NATIONAL TITLE
INSURANCE COMPANY; and DOE
DEFENDANTS 1 through 20,
Defendants.

No. 2:14-cv-00330-SAB

**ORDER GRANTING MOTION
TO DISMISS EMOTIONAL
DISTRESS CLAIMS**

1 Before the Court is Plaintiff's Motion to Dismiss Emotional Distress
2 Claims, ECF No. 62. No hearing was held, though the Court also considered
3 Defendant's response to the motion and the related declarations.

4 After discussing discovery issues in this case, the Court previously ordered
5 that Plaintiff either allow certain discovery related to Plaintiff's medical care, or
6 dismiss claims where Plaintiff's health could be an issue. Plaintiff elected to
7 dismiss such claims, and filed the current motion. Under Fed. R. Civ. P. 41(a)(2),
8 a plaintiff may voluntarily dismiss such claims. The Court hereby **grants** the
9 motion.

10 Accordingly, **IT IS HEREBY ORDERED:**

11 1. Plaintiff's Motion to Dismiss Emotional Distress Claims, ECF No. 62, is
12 **GRANTED.**

13 2. Any claim by Plaintiff for negligent or intentional infliction of emotional
14 distress are **DISMISSED WITH PREJUDICE**. Any claim for non-economic
15 damages, or any claim based on other causes of action with damages arising from
16 pain and suffering, including other kinds of emotional distress where medical
17 evidence would be presented, is **DISMISSED WITH PREJUDICE**.

18 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
19 file this Order and provide copies to counsel.

20 **DATED** this 18th day of July, 2016.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

26 Stanley A. Bastian
27 United States District Judge
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